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PATENT
Attorney Docket **046124-5005-03**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Takashi Osumi *et al.***	)	
Application No. **10/753,405**	)	Group Art Unit: **1652**
Filed: **January 9, 2004**	)	Examiner: **E. Slobodyansky**
For: **Green Fluorescent Proteins and Blue Fluorescent Proteins**	)	Dated: January 12, 2007

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL

1. Transmitted herewith is a Petition for Acceptance of Color Drawings and Photographs Under 37 C.F.R. 1.84 (a)(2) and (b)(2) in response to the Notice Regarding Drawings dated November 13, 2006.

2. Additional Papers Submitted:
 (i) Three sets of color drawings of Figures 1 to 4D
 (ii) Copy of Notice Regarding Drawings
 (iii) Copy of Form PTO-948

3. Fee Payment: The Commissioner is hereby authorized to charge **$130.00** to Deposit Account No. 50-0310 for petition fee.

4. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **January 12, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP
Sally Zug for
Reg. No. 45,397
Elizabeth C. Weimar
Registration No. 44,478



PATENT
Attorney Docket No. **046124-5005-US03**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Takashi OSUMI *et al.*	)	
	)	
Application No.: 10/753,405	)	Group Art Unit: 1652
	)	
Filed: January 9, 2004	)	Examiner: E. Slobodyansky
	)	
For: GREEN FLUORESCENT PROTEINS AND BLUE FLUORESCENT PROTEINS	)	

Petition for Acceptance of Color Drawings and Photographs under 37 C.F.R. 1.84 (a)(2) and (b)(2)

Submitted herewith are three (3) sets of photographs of Figures 1, 2, 3, 4A, 4B, 4C, and 4D as required by 37 C.F.R. 1.84(a)(2). Please charge the petition fee in the amount of $130.00 as set forth in 37 C.F.R 1.17(h) to our Deposit Account No. 50-0310. Applicants respectfully request review and acceptance of the color photographs as formal drawings. Applicants note that the specification already contains the language required by 37 C.F.R. 1.84(a)(2) and that therefore no amendment is necessary.

Should any further drawing informalities be deemed to be existing, Applicants respectfully request that the undersigned attorney be timely advised.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
Morgan, Lewis & Bockius LLP

Dated: **January 12, 2007**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Elizabeth C. Weimar
Reg. No. 44,478

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JAN 12 2007
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMES APPLICANT	ATTORNEY DOCKET NUMBER
10/753405	01/09/2004	OSUMI, TAKASHI	71-884-1

Examiner
SLOBODYANSKY, ELIZABETH

Art Unit: 1652

Paper Number

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

Docketed 11/16/06 Attorney RJG/ECW/FMK
Case 46124-5005
Due Date 1-13-07
Action DWGS
By CJM Chk

Date Mailed:11/13/2006

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 6-10-04 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b). Failure to take corrective action within the set period will result in abandonment of the application.**

RETURN CORRECTED DRAWINGS TO:
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Joshua D. Chase
Office of Patent Publication,
Publishing Division
703-305-0333 ext-138

RECEIVED
NOV 16 2006
MORGAN, LEWIS & BOCKIUS LLP

OIPE JAN 12 2007 PATENT & TRADEMARK OFFICE

Form PTO-948 (Rev. 06/03)
Application No. 10/753,405

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 6-10-04 are:

A. ___ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ✓ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

✓ Color drawings are not acceptable until petition is granted. Fig(s) 1-4D

___ Pencil and non black ink not permitted. Fig(s)___

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)___

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)___

___ Poor quality (half-tone). Fig(s)___

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)___

___ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s)___

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)___

___ Drawings sheets not an acceptable size. Fig(s)___

5. MARGINS. 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)___

_____Top (T) _____ Left (L)

_____Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)___

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

___ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)___

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)___

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)___

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

___ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s)___

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) ___

___ Solid black shading not permitted. Fig(s)___

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)___

___ Figure legends are poor. Fig(s)___

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)___

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)___

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)___

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)___

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)___

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)___

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)___

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)___

COMMENTS:

Reviewer J. Chatsé

Date 11-13-06

If you have questions, call (703) 305-8404.

Attachment to Paper No. ___